

# **EXHIBIT A**

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Dana DeBeauvoir  
Travis County Clerk  
C-1-CV-21-004147  
Ruby Ontiveros

**CAUSE NO.** C-1-CV-21-004147

NATASHA SMITH

**Plaintiff,**

V.

# **BEXLEY 3FIVE APARTMENTS**

**Defendant.**

**IN THE COUNTY COURT NO. 2**

## TRAVIS COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION**

Plaintiff, **Natasha Smith**, seeks damages against Defendant, **Bexley 3FIVE apartments** for all damages to which Plaintiff is justly entitled. Plaintiff would respectfully show the Court the following:

## PARTIES & VENUE

1. Plaintiff is a resident of Travis County, Texas.
  2. Defendant Bexley 3FIVE apartments (“Bexley”) is a corporation doing business in the State of Texas. Defendant can be served at its primary place of business located at 8003 S. IH 35, Austin, Texas 78744.
  3. Venue of this lawsuit is proper in Travis County because Defendant’s primary place of business is in this county, and all of the events giving rise to this lawsuit occurred in this county.

## **DISCOVERY**

4. This lawsuit will be conducted pursuant to a Level 3 discovery plan.

### **FACTUAL BACKGROUND**

5. Plaintiff Natasha Smith was a licensee at Bexley 3FIVE apartments. Plaintiff was in the pool area and was using a walkway made of grates covering the pool to cross to the other side. The grate gave way and Natasha fell, sustaining serious injuries.

### **CAUSES OF ACTION**

#### **Count I: Negligence**

6. Plaintiff adopts and incorporates all of the allegations contained in paragraphs 1 through 5 herein. All conditions precedent have been met or have occurred. Defendant Bexley 3FIVE apartments was negligent and this negligence caused Plaintiff's serious injuries.

#### **Count II: Premises Liability**

7. Plaintiff adopts and incorporates all of the allegations contained in paragraphs 1 through 6 herein. All conditions precedent have been met or have occurred. The Defendant is liable for Natasha Smith's injuries because:

- (a) The Defendant knew or had reason to know of the dangerous conditions on the property;
- (b) The conditions posed an unreasonable risk of harm;
- (c) The Defendant did not exercise reasonable care to reduce or eliminate the risk; and
- (d) The Defendant's failure to use such care proximately caused Plaintiff's injuries.

### **DAMAGES**

8. Plaintiff seeks all available damages under Texas law

9. Pursuant to TRCP 47(c), Plaintiff seeks monetary relief over \$250,000.00 but not more than \$1,000,000.00.

**REQUEST FOR JURY TRIAL & REQUESTED RELIEF**

10. Plaintiff demands a jury trial.
11. Plaintiff respectfully requests that this cause be set for trial before a jury, and that Plaintiff recovers judgment from Defendant for all damages to which she is justly entitled and the jury may determine to be proper, together with pre-judgment and post-judgment interest, cost of suit, and that Plaintiff have such other and further relief as she may justly show herself to be entitled.



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